

108TH CONGRESS
2D SESSION

H. R. 4114

To amend the Migratory Bird Treaty Act to exclude non-native migratory bird species from the application of that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2004

Mr. GILCHREST (for himself, Mr. SAXTON, and Mr. KIND) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Migratory Bird Treaty Act to exclude non-native migratory bird species from the application of that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Migratory Bird Treaty
5 Reform Act of 2004”.

6 **SEC. 2. EXCLUSION OF NON-NATIVE SPECIES FROM APPLI-**
7 **CATION OF CERTAIN PROHIBITIONS UNDER**
8 **MIGRATORY BIRD TREATY ACT.**

9 Section 2 of the Migratory Bird Treaty Act (16
10 U.S.C. 703) is amended—

1 (1) in the first sentence by striking “That un-
2 less and except as permitted” and inserting the fol-
3 lowing: “(a) IN GENERAL.—Unless and except as
4 permitted”; and

5 (2) by adding at the end the following:

6 “(b) LIMITATION ON APPLICATION TO INTRODUCED
7 SPECIES.—

8 “(1) IN GENERAL.—This section applies only to
9 migratory bird species that are native to the United
10 States and whose occurrence in the United States is
11 entirely the result of natural biological or ecological
12 conditions.

13 “(2) TREATMENT OF INTRODUCED SPECIES.—
14 For purposes of paragraph (1)—

15 “(A) a bird species shall not be treated as
16 native to the United States if it occurs in the
17 United States solely as a result of intentional or
18 unintentional human-assisted introduction; and

19 “(B) a migratory bird species shall be
20 treated as native to the United States if—

21 “(i) it was native to the United States
22 and extant in 1918;

23 “(ii) it was extirpated after 1918
24 throughout its range in the United States;
25 and

1 “(iii) after such extirpation, it was re-
2 introduced in the United States as a part
3 of a program carried out by a Federal
4 agency.”.

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